

REMARKS

Claim 121, as filed herewith, corresponds to claim 76 as originally filed. New claim 122 corresponds to former claim 15, but has been amended to include the possibility that the components of the sample are adapted to carry immobilized signaling entities. It is respectfully submitted that the application as filed clearly disclosed the possibility that signaling entities can be immobilized on the components of the sample *after* exposure to the at least two surface regions, see *e.g.* page 4, lines 26-27, page 26, lines 22-23, page 37, lines 23-30, page 39, line 18- page 40, line 11 and claim 98 as filed. New claims 123 and 124 correspond to former claims 16 and 17, respectively. New claims 125 and 126 are supported by the description as filed on page 38, lines 15-22, and page 39, lines 1-17. New claim 127 is supported by the application as filed on page 36, lines 21-22, page 37, lines 23-24 and page 38, lines 6-8. New claim 128 is supported by the application as filed on page 39, lines 25-27. New claim 129 corresponds to former claim 18. New claim 130 corresponds to former claim 19, but part a) has been amended to refer to the situation where the sample, rather than at least a portion of a cell, has been exposed to a drug or putative drug, as supported by the passages of the description referred to above in relation to new claim 125. New claim 131 corresponds to former claim 20, but has been amended for consistency with new claim 122. No new matter has been inserted into the application.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 1 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The Examiner has indicated that the preamble in claim 1 is vague and indefinite. Applicants submit that a newly added claim 131 recites the appropriate preamble language.

In addition, Examiner has indicated that the phrase “colloid particles carrying immobilized species” is vague. Applicants note that the colloid particles are bound to the immobilized components. The newly added claims are believed to have cleared up this perceived vagueness. Therefore, the claims are definite.

Rejection Under Double Patenting

Claim 1 has been rejected under the doctrine of double patenting as being unpatentable over claim 276 of Application No. 10/823,097. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Applicants respectfully request the Examiner to hold this rejection in abeyance until either one of the pending applications is otherwise in allowable condition.

Rejection Under 35 U.S.C. §102(b) over Michael Natan (USP#5,609,907)

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Michael Natan. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Natan ‘907 discloses a metallic surface with a controlled nanostructure that is enhanced for Raman scattering and other surface spectroscopies based on roughened metal surfaces. The Natan ‘907 reference discloses roughening the metal surfaces by using colloidal particles to form two-dimensional arrays.

Applicants submit that this reference fails to be applicable to the presently claimed invention, which is directed to binding of components that are immobilized to colloids. Therefore, Applicants submit that Natan '907 fails to anticipate the presently claimed invention.

Rejection Under 35 U.S.C. §102(e) over Baker et al. (2003/0157732)

Claim 1 has been rejected under 35 U.S.C. §102(e) as being anticipated by Baker et al. Applicants traverse this rejection. Reconsideration and withdrawal thereof are respectfully requested.

Baker '732 discloses a biosensor based on complexes between biomolecule receptors and colloidal gold nanoparticles that can be used to detect biomolecule analytes through measuring binding-induced changes in electrical resistance or surface plasmon resonance. Further, as in Natan '907, discussed above, the Baker '732 description is directed to an improved method for detecting compounds and solvents using capillary electrophoresis in conjunction with Raman spectroscopy. Baker '732, as in Natan '907, discloses a method of enhancing Raman spectroscopy detection method. Therefore, the binding assay of the claimed invention is not disclosed in the Baker '732 reference.

Applicants submit that the Baker '732 reference fails to disclose or suggest the method of the presently claimed invention directed to colloids immobilized with a compound protein that binds to a surface and thereby painting a profile of the binding activity of the colloid-immobilized compound and drug fingerprinting that the assay provides. Therefore, the presently claimed invention fails to be anticipated by Baker '732.

Conclusion


It is believed that the application is now in condition for allowance. Applicant requests the Examiner to issue a notice of Allowance in due course. The Examiner is encouraged to contact the undersigned to further the prosecution of the present invention.

The Commissioner is authorized to charge JHK Law's Deposit Account No. 502486 for any fees required under 37 CFR §§1.16 and 1.17 that are not covered, in whole or in part, by a credit card payment enclosed herewith and to credit any overpayment to said Deposit Account No. 502486.

Date: January 5, 2006

Respectfully submitted,

JHK Law
P.O. Box 1078
La Canada, CA 91012-1078
Telephone: 818-249-8177
Facsimile: 818-249-8277



Joseph Hyosuk Kim, Ph. D.
Registration No. 41,425